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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation

LOK SABHA

The following Bill was introduced in Lok Sabha on 21st May, 1976:—

BILL No. 55 of 1976

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Twenty-seventh Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 1976.
2. In article 15 of the Constitution, in clause (4), the words “or for other economically backward and weaker sections of society or for economically backward areas in the country” shall be added at the end.
3. After article 16 of the Constitution, the following new article shall be inserted, namely:—

“16A. (1) Every citizen shall be provided by the Government with a suitable employment within a period of two years from the date of his/her registration with an employment exchange.

(2) Every citizen shall be paid by the Government an unemployment allowance for his/her subsistence during the period he/she remains unemployed.

Short title.

Amendment of article 15.

Insertion of new article 16A.

Unemployment allowance.

Amend-
ment of
article
19.

4. In article 19 of the Constitution,—

(a) in clause (1),—

(i) in sub-clause (c), the words “and to have collective bargaining” shall be added at the end;

(ii) sub-clause (f) shall be deleted;

(iii) in sub-clause (g), the words “trade or business” shall be deleted;

(b) in clause (2), for the words “morality, or in relation to contempt of court, defamation or incitement to an offence”, the words “morality, secularism, democracy, socialism, communal harmony, or to curb and stop communal propaganda, monopoly control over the newspapers and press media, or in relation to defamation or incitement to an offence” shall be substituted;

(c) in clause (4), the words “particularly in cases of communal, separatist, anti-secular and pro-facist organisations” shall be added at the end;

(d) in clause (6), the following sub-clause shall be inserted at the end, namely:—

“(iii) the imposition of restrictions on the carrying of such occupation or profession which results in disadvantages to the community as a whole and obstructs the national growth”.

Amend-
ment of
article
31.

5. Clause (2) of article 31 of the Constitution shall be omitted.

Substi-
tution of
article
31C.

6. For article 31C of the Constitution, the following article shall be substituted, namely:—

“31C. Notwithstanding anything contained in article 13, no law giving effect to the policy of the State towards securing the directive principles specified in Part IV including article 39 shall be deemed to be void on the ground that it is inconsistent with, or takes away or abridges any of the rights conferred by Part III.”.

Saving
of laws
giving
effect to
direc-
tive
princi-
ples.

Insert-
tion of
new
article
32A.

7. After article 32 of the Constitution, the following new article shall be inserted, namely:—

“32A. No such directions or orders or writs as provided for in article 32 shall be issued in respect of any law or any action taken under such law enacted by Parliament or a State Legislature with a view to giving effect to the directive principles specified in Part IV or for curbing smuggling, blackmarketing, speculation, hoarding or similar other economic offences or for ensuring the collection of tax and other revenues or for eradicating corruption in the government

Supreme
Court
not to
issue
writs in
certain
cases.

services including services under the control of the government, and, in particular, laws relating to land reforms, food-grain procurement and distribution, abolition of bonded labour, tenancy laws in defence of the rights of share-croppers and fixation of levy quota.”

8. For article 37 of the Constitution, the following article shall be substituted, namely:—

Substitution of article 37.

“37. The provisions contained in Part IV shall be enforceable by any court and the principles laid down therein are fundamental in the governance of the country and it shall be the duty of the State to apply these principles in making laws.”

Directive principles to be enforceable.

9. In article 39 of the Constitution, for the words “in particular, direct its policy towards securing”, the word “secure” shall be substituted.

Amendment of article 39.

10. After article 39 of the Constitution, the following new articles shall be inserted, namely:—

Insertion of new articles 39A, etc.

“39A. Every member of Parliament from a State or every member of Legislative Assembly of a State shall be entrusted with a production unit in the State for the purpose of management or with some other administrative responsibility.

Member of Parliament of Legislative Assembly to manage a production unit.

39B. In every constituency of a Legislative Assembly of a State there shall be a Committee comprised of the representatives of labour and management headed by a member of Parliament from that State.

Committees of labour and management.

39C. In every constituency of a Legislative Assembly of a State there shall be constituted a People's Committee consisting of the member of Legislative Assembly, the member of Parliament representing the constituency and the concerned officials of the Government for implementing the policies and legislative and other measures undertaken by the Government.”

Peoples committees to implement policies and measures.

11. After article 40 of the Constitution, the following new article shall be inserted, namely:—

Insertion of new article 40A.

Legal status to agricultural labour unions.

"40A. The agricultural labour unions shall be given a legal status enjoying all the trade union rights and their participation in implementation of laws enacted for their benefit shall be ensured by the Government."

Insertion of new articles 51A, etc.

12. After article 51 of the Constitution, the following new articles shall be inserted, namely:—

Parliament and State Legislatures to review implementation of directive principles.

"51A. (1) The Central Government will place before Parliament every year a report on the measures taken by the Central and the State Governments for implementing the directive principles specified in Part IV and in particular the principles specified in article 39.

(2) The State Governments shall place before the respective State Legislature every year a report on the measure taken by the State Government for implementing the directive principles and in particular the principles specified in article 39.

(3) The Parliament and the State Legislatures shall review every year the extent of implementation of the directive principles on the basis of reports placed before them by the Central and the State Governments respectively and enact suitable legislation and issue directives to the respective Governments for their implementation and further progress.

Fundamental Rights not to have effect against laws for implementation of directive principles.

51B. The Fundamental Rights contained in Part III shall not have effect against the measures taken by the Government and the laws enacted by the Parliament and the State Legislatures towards securing the implementation of directive principles.

Courts not to scrutinise constitutionality of certain laws.

51C. The courts shall have no jurisdiction to scrutinise the constitutional validity of laws relating to socio-economic programmes and, in particular, laws enacted for securing the implementation of directive principles."

13. After article 88 of the Constitution, the following new article shall be inserted, namely:—

Insertion of new article 88A.

“88A. (1) There shall be a statutory standing committee of members of Parliament for each of the Ministries/Departments of the Central Government.

Standing Parliamentary Committees to review work of Ministries, etc.

(2) The Committees shall be empowered to review the work of the concerned ministries and the implementation of the policies and other measures by the ministries.”.

14. In article 124 of the Constitution, after clause (1), the following clause shall be inserted, namely:—

Amendment of article 124.

“(1A) A Parliamentary Committee of thirty members, twenty from the House of the People and ten from the Council of States with the Speaker as the Chairman, shall select a panel of persons, qualified under clause (3) of this article for appointment as a Judge of the Supreme Court, from amongst whom the Judges of the Supreme Court shall be appointed.”.

Appointment of Judges from panel selected by Parliamentary Committee.

15. After article 177 of the Constitution, the following new article shall be inserted, namely:—

Insertion of new article 177A.

“177A. (1) There shall be a statutory standing committee of members of the State Legislature for each of the Ministries/Departments of a State Government.

Standing committees of State Legislatures to review work of Ministries etc.

(2) The Committee shall be empowered to review the work of the concerned ministries and implementation of the policies and other measures by the ministries.”.

16. After article 216 of the Constitution, the following new article shall be inserted, namely:—

Insertion of new article 216A.

“216A. A committee consisting of twenty-five members, twenty from the Legislative Assembly of the State and five from amongst the members of Parliament from that State, with the Speaker of the Assembly as the Chairman, shall select a panel of persons, qualified under clause (2) of article 217 for appointment as a judge of a High Court, from amongst whom the Judges of the High Court of that State shall be appointed.”.

Appointment of High Court Judges from panel selected by State Legislature.

Amend-
ment of
article
226.

17. In article 226 of the Constitution, in clause (1), the words "and for any other purpose" shall be deleted.

Insertion of
new
article
226A.

18. After article 226 of the Constitution, the following new article shall be inserted, namely:—

High
Courts
not to
issue
writs in
certain
cases.

"226A. No such directions, orders or writs as provided for in article 226 shall be issued in respect of any law or any action taken under such law enacted by Parliament or a State Legislature with a view to giving effect to the directive principles specified in Part IV or for curbing smuggling, blackmarketing, speculation, hoarding or similar other economic offences or for ensuring the collection of tax and other revenues or for eradicating corruption in the Government services including services under the control of the Government, and, in particular, laws relating to land reforms, food-grain procurement and distribution, abolition of bonded labour, tenancy laws in defence of the rights of share-croppers and fixation of levy quota."

Amend-
ment of
article
311.

19. In article 311 of the Constitution, after clause (2), the following clauses shall be inserted, namely:—

"(2A) In cases, where the employee is of the rank of Class I gazetted officer or equivalent, the inquiry provided for in clause (2) shall be conducted by a permanent administrative tribunal to be appointed by the Parliament in case of Central Government employees and by the State Legislature in case of employees of a State Government.

(2B) The decision of the tribunal shall be final and no appeal against it shall lie in any court."

Insertion
of new
article
311A.

20. After article 311 of the Constitution, the following new article shall be inserted, namely:—

Estab-
lishment
of All-
India
Labour
Appel-
late Tri-
bunal.

"311A. (1) There shall be established an all-India Labour Appellate Tribunal to hear appeals from labour courts and industrial courts.

(2) No appeal shall lie in any court against the decisions of the All-India Labour Appellate Tribunal or against the decisions of labour courts and industrial courts."

Amend-
ment of
article
368.

21. In article 368 of the Constitution, after clause (3), the following clause shall be inserted, namely:—

"(4) Any amendment of the Constitution shall not be called in question in any court on any ground."

22. After article 368 of the Constitution, the following new articles shall be inserted, namely:—

Insertion
of new
article
368A,
etc.

“368A. (1) A Constitutional Committee shall be empowered to interpret the Constitution and scrutinise the constitutional validity of an amendment made under article 368.

Constitu-
tional
Commit-
tee to
scruti-
nise
amend-
ment
under
article
368 and
certain
other
laws.

(2) The Committee shall also be empowered to scrutinise the constitutional validity of a law enacted by Parliament or a State Legislature for giving effect to the directive principles specified in Part IV or laws relating to socio-economic programmes.

368B. The Committee shall be elected by both the Houses of Parliament and shall consist of eleven members as follows:—

Election
and con-
stitution
of the
Com-
mittee.

(a) four members from the House of the People;

(b) two members from the Council of States;

(c) two members from amongst the Judges of the Supreme Court; and

(d) three members from amongst the lawyers.

368C. The findings and decisions of the Committee shall be in the nature of recommendations to Parliament and only after each House of Parliament approves the said recommendations, by a majority of the total membership of that House and by a majority of not less than two-thirds of the members of that House present and voting, the recommendations shall become final decisions and be binding.”.

Appro-
val of
Parlia-
ment to
findings
of Com-
mittee.

STATEMENT OF OBJECTS AND REASONS

A national discussion is going on the question of constitutional reforms. On national scale, the concept of Presidential form of Government is outright rejected. However, it is the national consensus which demands amendments in the progressive direction. The confrontation between *status-quo* and progressive amendments had to be resolved in the greater interests of weaker sections of the society for full economic democracy which would lead to developing the path of socialism.

In this context, experience in the past indicates that certain radical amendments are to be introduced to uphold the supremacy of Parliament and to protect the interests of workers, poor peasants and other weaker sections of the society. Now is the time that ideals should be translated into practice. We have to achieve economic democracy for national advance by removing the elements of obstruction in achieving the said objectives.

Hence the Bill.

NEW DELHI;

The 16th April, 1976.

D. K. PANDA.

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for payment of unemployment allowance. Clause 20 provides for establishment of an All-India Labour Appellate Tribunal. A recurring expenditure of about rupees one crore and a non-recurring expenditure of about rupees ten lakhs is likely to be involved from the Consolidated Fund of India.

S. L. SHAKDHER,
Secretary-General.

